

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes July 27, 2007

A meeting of the Planning Commission of the City of Saint Paul was held Friday, July 27, 2007 at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Donnelly-Cohen, Faricy, McCall, Morton, Porter, Smitten, Wencl; and Messrs. Alton, Barrera, Bellus, Commers, Cudahy, Goodlow, Gordon, Kramer, Margulies, Nelson, Rosemark, and Spaulding.

Commissioners Absent: Ms. *Lu, and Mr. *Johnson
*Excused

Also Present: Larry Soderholm, Planning Administrator; Peter Warner, Assistant City Attorney, Anne Hunt, Mayor's Office, Allan Torstenson, Patricia James, Jessica Rosenfeld, Christina Danico, Andrew Jacobson, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes July 13, 2007.

MOTION: *Commissioner Wencl moved approval of the minutes of July 13, 2007. Commissioner Rosemark seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Alton announced that he would like to have someone from the Planning Commission to serve as liaison to the Heritage Preservation Comprehensive Plan Chapter. That person would be working with the Heritage Preservation Commission. Whoever is interested should contact him.

III. Planning Administrator's Announcements

Larry Soderholm reported on planning-related business at the City Council for last week and their agenda for next week.

IV. Zoning Committee

OLD BUSINESS

#07-099-317 Midway Shopping Center – Variance of 164 parking spaces (1095 spaces required, 931 proposed). 1460 University Avenue W, SE corner at Snelling. (Sarah Zorn, 651/266-6570)

Commissioner Morton reported that the Zoning Committee laid this case over to the August 2,

2007 meeting.

#07-096-764 Midway Shopping Center – Site Plan Review for Walgreen's and Big Top Liquors. 1460 University Avenue W, SE corner at Snelling. *(Tom Beach, 651/266-9086)*

Commissioner Morton reported that the Zoning Committee also laid this case over to the August 2, 2007 meeting.

NEW BUSINESS

#07-110-903 The Bridges of Saint Paul – Rezoning to PD Planned Development. Area generally bounded by Robert, Fillmore, Hwy. 52, and the Mississippi River. *(Lucy Thompson, 651/266-6578)*

Commissioner Morton announced that the Zoning Committee's vote on this case was a 4-4 split and the committee is bringing the matter to the full Commission with no recommendation.

Commissioner Faricy stated that the Zoning Committee's meeting lasted five hours and Commissioners Cudahy, Nelson and Spaulding were also present. The main item the Zoning Committee struggled with was whether or not PD zoning, which is appropriate for a project of this magnitude, was consistent with the Comprehensive Plan. The key concerns related to the protection of public access to the river and building heights. In PD zoning there are no automatic regulations for anything, including heights. The permitted land uses and the dimensional standards for each PD zone are adopted in the ordinance that establishes the zone. The Bridges applicant is asking the City to approve JLT's development proposal as a preliminary PD plan. What is shown on in the proposal—the uses, dimensions, circulation system, etc.—would become the zoning for the site.

Commissioner Faricy explained that the staff report recommended denial of the PD zoning, and instead maintaining and extending the TN3 zone, perhaps with some height variances, or rezoning to PD for a project that generally meets the TN3 regulations. The Bridges is a complicated project and it has many aspects that are consistent with the Comprehensive Plan and many aspects that conflict with the Comprehensive Plan. The planning staff concludes that those areas that conflict with the Comprehensive Plan are more significant than those areas where the proposed project is consistent with the Comprehensive Plan. The key chapters relevant to this evaluation are Land Use, Mississippi River Corridor, Parks and Recreation, and Transportation.

Commissioner Faricy said there is a good deal of public access to the river in this plan. Whether the city or the developer would pay to maintain this public space is a matter that would be decided between the City and the developer as part of a development agreement when the details of the project are approved.

Commissioner Faricy said that everyone here today knows that this development has been in the works for several years, and has generated some anger on both sides of the issue. She cautioned the Commission to keep this out of the discussion this morning. We all recognize that new development is part of a healthy, vibrant economy and we are encouraged by the JLT Group's desire to invest in the future of Saint Paul. As planning commissioners we can only consider land use in our deliberations. We are not involved in the amount of TIF money or any City financial commitments to the project. That is the responsibility of our elected officials.

MOTION: *Commissioner Faricy moved to deny the application to rezone to PD based on the findings in the staff report. Commissioner Gordon seconded the motion.*

Commissioner Morton stated that she is going to vote in opposition to Commissioner Faricy's motion. Commissioner Morton said when she balances the pros and cons in relationship to the Comprehensive Plan she concludes that the project is consistent with the Comprehensive Plan. The applicant submitted an extensive review of all the policies in the Comprehensive Plan that would be advanced by the Bridges project. Commissioner Morton started with the Land Use Chapter. The Bridges would produce significant increases in the number of jobs and housing units in the city, consistent with policies that have been established by the City in our Land Use Chapter. The development would focus growth on Robert Street which is identified as a major transit corridor. This project will create 2,200 new jobs, \$52 million in new wages, and 1,500 full-time construction jobs for the next five years. The PD zoning would allow nearly 1,000 new housing units to help meet the projected goal of 3,000 new housing units in and around downtown. The project would provide a mix of land uses. She believes the Bridges is also consistent with the Mississippi River Corridor Plan. The project would result in redevelopment of under-utilized industrial sites with a mix of uses. It is consistent with the Parks and Recreation Plan. The proposed project will add open space features that will be open to the public but will be privately owned and maintained. In addition the applicant pledges to work with the Parks and Recreation Department during the master site plan process to develop active recreational space. It is consistent with the Transportation Plan. The location along the Robert Street transit corridor has the potential to reduce auto trips and promote alternate modes of travel. The project is supported by the West Side Community Organization, the building trades, the Business Owners and Managers Association, the Chamber of Commerce, the majority of West Side residents and business owners. Saint Paul needs this project; this is a tremendous opportunity for Saint Paul. She urged members to vote against the motion to deny the application for a PD zone.

Commissioner Gordon noted in the staff report there are seven required findings that the Planning Commission has to make in order to approve PD zoning. The staff concluded that four of those seven findings cannot be made. First, the proposed development cannot be in conflict with the Comprehensive Plan; but the staff finds that there are conflicts. The staff report dated July 12, 2007, found that the PD zoning would be inconsistent with several chapters of the Comprehensive Plan. Second, the proposed use cannot be detrimental to the present or future land uses in the surrounding area; but the staff finds that there will be such detriment. Third, the proposed development cannot create an excessive burden on parks, schools, streets or other public facilities and utilities; but the staff finds that there will be such excessive burden. Fourth, the proposal has to be consistent with the reasonable enjoyment of neighboring property; whereas the staff finds that this proposed development and this rezoning may interfere with such reasonable enjoyment.

Commissioner Gordon continued by saying that he wanted to comment on three points—the relationship to downtown, connectivity, and public access and public spaces. With respect to downtown the required finding is that the proposal will not be detrimental to the present or future uses in the surrounding area. The staff report states the impact on the river views and the amount of traffic generated by the project may be detrimental to present and future land uses in the surrounding area. There is real concern about negative impacts on the economic vitality of downtown. Second, connectivity is required by both the Land Use Chapter and the Mississippi River Corridor Chapter as well as other planning documents of the City. The height, scale and

mass of this project do not create a connection to the neighborhood; they create a barrier that blocks future access to the river from properties to the south. And third, with respect to public access and space, there is no publicly owned and controlled access to the river or open space within this project. The developer says that they are allowing for the possibility of publicly owned and controlled access and space through negotiating an easement with the city. That easement does not now exist. It would have to be negotiated as part of a development agreement: the key word is *negotiated*, which normally means that you give up something to get something else. So at this point, we are left with privately owned access that may or may not be made available to the public for access to the river and to the open spaces within the project.

Commissioner Gordon also called attention to the many organizations that submitted materials and testified in opposition to the Planned Development zoning at the Zoning Committee's hearing, including the MnDNR, the National Parks Service, the Saint Paul Riverfront Corporation, the Friends of the Mississippi River, and the Dean of the College of Architecture and Landscape Architecture at the U of M. All of these organizations have knowledge or expertise with respect to issues involving the Mississippi River. Their unanimous and consistent opposition to the PD zoning for the Bridges project should be given considerable weight and respect. Neither these opponents nor Commissioner Gordon are against developing this area. The City would welcome and invite a proposal within the TN3 zoning, including whatever variances can be justified under the legal standards. Such a proposal would stand a better chance of succeeding, but such a proposal has not yet been received. Commissioner Gordon supported the motion to deny the application for a PD zone.

Commissioner Cudahy said there is a difference between public access and public use. The developer assured the Zoning Committee that the public would have plenty of access to walk through this place, but this didn't assure him that all the uses of a public street or park would be available. Because the easements remain to be negotiated and because the mass and design of this project look more like private space than like public space, Commissioner Cudahy surmised that the opportunity to organize workers or picket at businesses could be limited or prohibited. Or, think about political speech. The ability for candidates to walk down the internal "street" and shake peoples' hands could be controlled by the management. This happens in the skyways, where public access is also allowed through easements. The Bridges would not be like a public street or park where picketing and campaigning are clearly rights that the public has. He agreed with Commissioner Gordon's concern over whether this would be truly public space or would be private space with specified forms of public access. He felt this would be a real problem.

Commissioner Spaulding stated that for a market to mature a healthy diversity and mix of market participants are required. We would all be well advised in our planning work to set the stage for that healthy mix to develop. A healthy market cannot develop when a single large project threatens to absorb too much of the momentum by itself. We will be better off in the long run as a city if a diversity of investors share in the challenges, risks, and rewards of developing our urban core. Downtown real estate professionals have told him that the Bridges proposal may already have taken significant market share away from other important projects in the urban core. Changing our Comprehensive Plan and doing a rezoning of this magnitude would be unfair to other investors who have made major commitments and have already taken risks to invest in downtown Saint Paul. It is unfair to them to alter our plans and zoning in mid-course. The Comprehensive Plan works to ensure that we grow in a predictable way that is mutually beneficial. He urged members to support the staff recommendation and to vote for the motion to deny this rezoning.

Commissioner Donnelly-Cohen said from everything she understands about the Bridges project, the retail businesses that have made commitments to go into the Bridges would be new businesses for Saint Paul. None of the commitments are from businesses that would be relocating out of the downtown. These would be new businesses and new jobs that are very unlikely to come into downtown Saint Paul if the Bridges does not go through. Next Commissioner Donnelly-Cohen addressed public access to the river. She observed that no public rights-of-way extend through the site to the river now. The Bridges proposal gives more access to the river than exists in that area now and the developer committed at the public hearing that, except for the enclosed conservatory spaces, public access would be 24/7 all year. No, public access can't be right to the water's edge because of the floodwall, but the Bridges design provides primary public access at three different levels above the floodwall where you can enjoy views of the river. She also commented on consistency with the Comprehensive Plan. The staff report contained roughly as many citations of consistency with the Comprehensive Plan as citations of inconsistency. It's a matter of how much weight we give to the various policies, and she believes the balance is in favor of consistency. She believes we ought to promote becoming a more interesting city with more things going on. We have to give developers with creative ideas a little leeway. She said she is going to vote against the motion to deny.

At the request of Commissioner Morton, Chair Alton called for a roll call vote on the motion to deny the rezoning to PD.

ROLL CALL VOTE: *The motion to deny the rezoning carried on a roll call vote of 16-3 (Morton, Donnelly-Cohen, Alton).*

V. Comprehensive Planning Committee

Committee recommendation on the *National Great River Park Chapter of the Saint Paul on the Mississippi Development Framework*.

PED staff Larry Soderholm gave the committee's recommendation. Mr. Soderholm stated that a number of issues were raised at the Commission's public hearing on Jun 29, 2007. The Comprehensive Planning Committee considered each of the issues and recommends minor changes to some of the policies in the plan. In the packet is a memo prepared by Lucy Thompson itemizing the issues and showing the five changes recommended by the committee. They recommend approval of the plan as development policy for the City of Saint Paul. This document will not itself become part of the City's Comprehensive Plan. It would be approved by the City Council as city development policy, which is how the *Saint Paul on the Mississippi Development Framework* was approved. At the Steering Committee meeting this morning there was some discussion about what this means. Documents that are approved as city development policy, but not parts of the Comprehensive Plan, are used in site plan review and some other zoning findings and for rating CIB applications. On the other hand, the Commission does not go through city development policy documents with such a fine-toothed comb as for Comprehensive Plan documents, which have legal status under state law. Recommendations from the *National Great River Park Plan*, as appropriate, will be incorporated in some chapters of the next Comprehensive Plan, which task forces are currently developing for adoption next year.

Commissioner Kramer added that there were a number of comments at the public hearing on

things that people wanted to add, but staff Lucy Thompson explained to the committee that some of the more specific comments would be more appropriate at the next level of planning for the National Great River Park. The Parks and Recreation Dept. is seeking the budget to do a large master plan for the river-related park system in the city. Details would go in that plan; general policy directions are given in the current plan.

MOTION: *Commissioner Donnelly-Cohen moved on behalf of the committee to approve the resolution adopting the National Great River Park Chapter as city development policy and as a new chapter of the Saint Paul on the Mississippi Development Framework. The motion carried unanimously on a voice vote.*

Chair Donnelly-Cohen announced the next Comprehensive Planning Committee's meeting will be at 3:30 on August 7, 2007.

VI. Neighborhood and Current Planning Committee

No report.

VII. Communications Committee

The next meeting is 8:00 a.m. on August 10, 2007

VIII. Task Force Reports

Commissioner Gordon announced the STAR Board ranking session will be August 8, 2007.

IX. Old Business

None

X. New Business

None

XI. Adjournment

Meeting adjourned at 9:23 a.m.

Recorded and prepared by
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Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,

Approved _____
(Date)

Larry Soderholm, AICP
Planning Administrator

Marilyn Porter
Secretary of the Planning Commission

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